

(MLGx),CLOSED,DISCOVERY

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Southern Division – Santa Ana)
CIVIL DOCKET FOR CASE #: 8:11-cv-00249-JST-MLG**

Foothill Eastern Transportation Corridor Agency et al v. United
States Department of Commerce et al
Assigned to: Judge Josephine Staton Tucker
Referred to: Magistrate Judge Marc L. Goldman
Cause: 05:552 Freedom of Information Act

Date Filed: 02/10/2011
Date Terminated: 04/09/2013
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**Foothill Eastern Transportation
Corridor Agency**

represented by **Audrey M Huang**
Nossaman LLP
18101 Von Karman Avenue Suite 1800
Irvine, CA 92612
949-833-7800
Fax: 949-833-7878
Email: ahuang@nossaman.com
ATTORNEY TO BE NOTICED

David Joseph Miller
Nossaman LLP
18101 Von Karman Avenue Suite 1800
Irvine, CA 92612
949-833-7800
Fax: 949-833-7878
Email: dmiller@nossaman.com
ATTORNEY TO BE NOTICED

Lauren Cooper Valk
Nossaman LLP
18101 Von Karman Avenue Suite 1800
Irvine, CA 92612
949-833-7800
Email: lvalk@abc-law.com
TERMINATED: 02/29/2012
ATTORNEY TO BE NOTICED

Robert C Horton
Metropolitan Water District of Southern
California
700 N. Alameda Street
Los Angeles, CA 90012
213-217-6336
Fax: 213-217-6890
Email: rhorton@mwdh2o.com
TERMINATED: 12/20/2012
ATTORNEY TO BE NOTICED

Robert D Thornton
Nossaman LLP
Lakeshore Towers
18101 Von Karman Avenue Suite 1800
Irvine, CA 92612-1047
949-833-7800
Fax: 949-833-7878
Email: rthornton@nossaman.com
ATTORNEY TO BE NOTICED

Plaintiff

**Board of Directors of the Foothill
Eastern Transportation Corridor
Agency**

represented by **Audrey M Huang**
(See above for address)
ATTORNEY TO BE NOTICED

David Joseph Miller
(See above for address)
ATTORNEY TO BE NOTICED

Lauren Cooper Valk
(See above for address)
TERMINATED: 02/29/2012
ATTORNEY TO BE NOTICED

Robert C Horton
(See above for address)
TERMINATED: 12/20/2012
ATTORNEY TO BE NOTICED

Robert D Thornton
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Department of
Commerce**

represented by **Alarice M Medrano**
AUSA – Office of US Attorney
Civil Division
300 North Los Angeles Street Suite 7516
Los Angeles, CA 90012
213-894-0460
Fax: 213-894-7819
Email: alarice.medrano@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**National Oceanic Atmospheric
Association**

represented by **Alarice M Medrano**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mediator (ADR Panel)

ASO Jeffrey G Kichaven
Jeff Kichaven, A Professional Corp.
555 W. Fifth St
Suite 3000
Los Angeles, CA 90013

| Date Filed | # | Docket Text |
|------------|----------|---|
| 02/10/2011 | <u>1</u> | COMPLAINT against Defendants United States Department of Commerce and National Oceanic Atmospheric Association. Case assigned to Judge Josephine Staton Tucker for all further proceedings. Discovery referred to Magistrate Judge Marc L. Goldman.(Filing fee \$ 350 Paid). Filed by Plaintiffs Foothill Eastern Transportation Corridor Agency and Board of Directors of the Foothill Eastern Transportation Corridor Agency.(lwag) (lwag). (Additional attachment(s) added on 2/15/2011: # <u>1</u> SUMMONS ISSUED) (rla). (Entered: 02/11/2011) |
| 02/10/2011 | <u>2</u> | CERTIFICATION and Notice of Interested Parties filed by Plaintiffs Foothill Eastern Transportation Corridor Agency and Board of Directors of the Foothill Eastern Transportation Corridor Agency. (lwag) (lwag). (Entered: 02/11/2011) |

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| 02/11/2011 | <u>3</u> | INITIAL STANDING ORDER by Judge Josephine Staton Tucker: See order for further details. (lwag) (Entered: 02/11/2011) |
| 02/11/2011 | | 30 DAY Summons Issued re Complaint – <u>1</u> as to defendants National Oceanic Atmospheric Association, United States Department of Commerce. (rla) (Entered: 02/15/2011) |
| 02/16/2011 | <u>4</u> | FIRST AMENDED COMPLAINT against defendants National Oceanic Atmospheric Association, United States Department of Commerce amending Complaint – (Discovery) <u>1</u> ; filed by plaintiffs Foothill Eastern Transportation Corridor Agency, Board of Directors of the Foothill Eastern Transportation Corridor Agency (Attachments: # <u>1</u> PART 2, # <u>2</u> PART 3, # <u>3</u> PART 4, # <u>4</u> PART 5)(rla) (Additional attachment(s) added on 2/17/2011: # <u>5</u> SUMMONS ISSUED) (rla). (Entered: 02/17/2011) |
| 02/16/2011 | | 30 DAY Summons Issued re First Amended Complaint, <u>4</u> as to defendants National Oceanic Atmospheric Association, United States Department of Commerce. (rla) (Entered: 02/17/2011) |
| 02/16/2011 | <u>5</u> | AMENDED CERTIFICATION AND NOTICE of Interested Parties; filed by plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency, (rla) (Entered: 02/17/2011) |
| 02/17/2011 | <u>6</u> | Proof of Service Via Certified Mail filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency (Thornton, Robert) (Entered: 02/17/2011) |
| 02/24/2011 | <u>7</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Miscellaneous Document <u>6</u> . The following error(s) was found: Incorrect event selected. The correct event is: Proof of Service (subsequent documents). In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (dg) (Entered: 02/24/2011) |
| 03/16/2011 | <u>8</u> | STIPULATION for Extension of Time to File Answer to 05/16/2011 filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 03/16/2011) |
| 03/18/2011 | <u>9</u> | ORDER by Judge Josephine Staton Tucker: granting Stipulation Extending Time for Defendants to Answer, Plead or Otherwise Respond to the First Amended Complaint <u>8</u> . Defendants National Oceanic Atmospheric Association, United States Department of Commerce shall answer, plead or otherwise respond to the First Amended Complaint on or before 5/16/2011. (mt) (Entered: 03/21/2011) |
| 05/16/2011 | <u>10</u> | STIPULATION for Extension of Time to File Answer to 6/15/2011 re Amended Complaint, <u>4</u> filed by Defendants National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 05/16/2011) |
| 05/18/2011 | <u>11</u> | ORDER EXTENDING THE TIME FOR DEFENDANTS TO ANSWER, PLEAD OR OTHERWISE RESPOND TO THE FIRST AMENDED COMPLAINT by Judge Josephine Staton Tucker: IT IS SO ORDERED that the defendants shall answer, plead or otherwise respond to the First Amended Complaint in this action on or before June 15, 2011. <u>10</u> (klg) (Entered: 05/19/2011) |
| 06/09/2011 | <u>12</u> | STIPULATION for Extension of Time to File Answer to 07/15/2011 filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 06/09/2011) |
| 06/13/2011 | <u>13</u> | ORDER by Judge Josephine Staton Tucker: EXTENDING THE TIME for Defendants to Answer, Plead or Otherwise Respond to the First Amended Complaint: Granting Stipulation to Extend Time to Answer (More than 30 days) <u>12</u> . IT IS SO ORDERED that the defendants shall answer, plead or otherwise respond to the First Amended Complaint in this action on or before July 15, 2011. No |

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| | | further extension will be granted without a sufficient showing of good cause. (rla) (Entered: 06/14/2011) |
| 07/14/2011 | <u>14</u> | STIPULATION for Extension of Time to File Answer to 09/13/2011 filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 07/14/2011) |
| 07/15/2011 | <u>15</u> | ANSWER to Amended Complaint, <u>4</u> filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce.(Medrano, Alarice) (Entered: 07/15/2011) |
| 07/15/2011 | <u>16</u> | DENIED BY ORDER OF THE COURT by Judge Josephine Staton Tucker, re Stipulation to Extending Time to Answer, Plead or Otherwise Respond to the First Amended Complaint <u>14</u> . (rla) (Entered: 07/15/2011) |
| 08/08/2011 | <u>17</u> | ORDER by Judge Josephine Staton Tucker, SETTING SCHEDULING CONFERENCE for 10/24/2011 01:30 PM in Courtroom 10-A. READ THIS ORDER CAREFULLY. IT DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES. This case has been assigned to Judge Josephine Staton Tucker. If plaintiff has not already served the complaint (or any amendment thereto) on all defendants, plaintiff shall promptly do so and shall file proofs of service within three (3) days thereafter. Defendants also shall timely serve and file their responsive pleadings and file proofs of service within three days thereafter. (See document for further details.) (rla) (Entered: 08/09/2011) |
| 10/11/2011 | <u>18</u> | JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 0 days, filed by Defendants National Oceanic Atmospheric Association, United States Department of Commerce.. (Medrano, Alarice) (Entered: 10/11/2011) |
| 10/11/2011 | <u>19</u> | NOTICE AND REQUEST of Settlement Procedure Selection (Sp2) filed; parties request to appear before an attorney selected by the Attorney Settlement Officer Panel or appointed by the Judge for Settlement Proceedings. Filed by Defendants National Oceanic Atmospheric Association, United States Department of Commerce (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 10/11/2011) |
| 10/14/2011 | <u>20</u> | ORDER by Judge Josephine Staton Tucker: Granted the NOTICE AND REQUEST of Settlement Procedure Selection (Sp2). (twdb) (Entered: 10/17/2011) |
| 10/17/2011 | <u>21</u> | MINUTE ORDER IN CHAMBERS by Judge Josephine Staton Tucker Vacating Scheduling Conference and Setting Case Management Dates. (See order for details) (db) (Entered: 10/18/2011) |
| 12/16/2011 | <u>22</u> | STIPULATION REGARDING SELECTION of Attorney Settlement Officer Filed; Parties stipulate that Jeffrey G. Kichaven may serve as Attorney Settlement Officer for Settlement Proceedings The Plaintiff obtained the consent of the Attorney Settlement Officer. Filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency(Valk, Lauren) (Entered: 12/16/2011) |
| 12/21/2011 | <u>23</u> | NOTICE OF ASSIGNMENT of Attorney Settlement Officer. Jeffrey Kichaven has been assigned to serve as Attorney Settlement Officer. (mb) (Entered: 12/21/2011) |
| 02/24/2012 | <u>24</u> | NOTICE OF FILING AND FILING OF DECLARATION OF JEFFREY S. DILLEN, INDEX OF DOCUMENTS AND EXHIBITS A-B AS PART OF DEFENDANT'S VAUGHN INDEX filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Medrano, Alarice) (Entered: 02/24/2012) |
| 02/24/2012 | <u>25</u> | NOTICE OF FILING AND FILING OF REDACTED DOCUMENTS, IDENTIFIED IN THE INDEX ATTACHED TO THE DECLARATION OF JEFFREY S. DILLEN [VOLUME 1, PART 1] filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Medrano, Alarice) (Entered: 02/24/2012) |
| 02/24/2012 | <u>26</u> | NOTICE OF FILING AND FILING OF REDACTED DOCUMENTS, IDENTIFIED IN THE INDEX ATTACHED TO THE DECLARATION OF |

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| | | JEFFREY S. DILLEN [VOLUME 1, PART 2] filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Medrano, Alarice) (Entered: 02/24/2012) |
| 02/24/2012 | <u>27</u> | NOTICE OF FILING AND FILING OF REDACTED DOCUMENTS, IDENTIFIED IN THE INDEX ATTACHED TO THE DECLARATION OF JEFFREY S. DILLEN [VOLUME 1, PART 3] filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Medrano, Alarice) (Entered: 02/24/2012) |
| 02/24/2012 | <u>28</u> | NOTICE OF FILING AND FILING OF REDACTED DOCUMENTS, IDENTIFIED IN THE INDEX ATTACHED TO THE DECLARATION OF JEFFREY S. DILLEN [VOLUME 1, PART 4] filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. (Medrano, Alarice) (Entered: 02/24/2012) |
| 02/29/2012 | <u>29</u> | NOTICE of Change of Attorney Information for attorney Robert D Thornton counsel for Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. Lauren C. Valk will no longer receive service of documents from the Clerks Office for the reason indicated in the G-06 Notice. Filed by Plaintiff Foothill/Eastern Transportation Corridor Agency and Board of Directors of the Foothill/Eastern Transportation Corridor Agency (Thornton, Robert) (Entered: 02/29/2012) |
| 02/29/2012 | <u>30</u> | NOTICE of Appearance filed by attorney Robert D Thornton on behalf of Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency (Thornton, Robert) (Entered: 02/29/2012) |
| 03/19/2012 | <u>31</u> | STIPULATION for Extension of Time to File Cross Motions for Summary Judgment filed by Plaintiff Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Attachments: # <u>1</u> Declaration of Audrey Huang, # <u>2</u> Proposed Order)(Huang, Audrey) (Entered: 03/19/2012) |
| 03/21/2012 | <u>32</u> | ORDER by Judge Josephine Staton Tucker, granting Stipulation for Extension of Time to File <u>31</u> . See order for more information. (twdb) (Entered: 03/21/2012) |
| 04/16/2012 | <u>33</u> | NOTICE OF MOTION AND MOTION for Summary Judgment ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separately (Docket Nos. 25, 26, 27 and 28)</i> filed by Defendant National Oceanic Atmospheric Association, United States Department of Commerce. Motion set for hearing on 6/11/2012 at 10:00 AM before Judge Josephine Staton Tucker. (Attachments: # <u>1</u> [Proposed] Judgment, # <u>2</u> Separate Statement Of Undisputed Facts And Conclusions Of Law)(Medrano, Alarice) (Entered: 04/16/2012) |
| 04/16/2012 | <u>34</u> | NOTICE OF MOTION AND MOTION for Summary Judgment as to Second and Third Claims filed by Plaintiff Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. Motion set for hearing on 6/11/2012 at 10:00 AM before Judge Josephine Staton Tucker. (Huang, Audrey) (Entered: 04/16/2012) |
| 04/16/2012 | <u>35</u> | DECLARATION of Audrey M. Huang in support of MOTION for Summary Judgment as to Second and Third Claims <u>34</u> filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Attachments: # <u>1</u> Exhibit Exhibits 1 – 9)(Huang, Audrey) (Entered: 04/16/2012) |
| 04/16/2012 | <u>36</u> | EXHIBIT Filed filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. <i>Exhibits 10–12</i> as to Declaration (Motion related), Declaration (Motion related) <u>35</u> . (Attachments: # <u>1</u> Exhibit Exhibits 13–15, # <u>2</u> Exhibit Exhibits 16–21)(Huang, Audrey) (Entered: 04/16/2012) |

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| 04/16/2012 | <u>37</u> | MEMORANDUM in Support of MOTION for Summary Judgment as to Second and Third Claims <u>34</u> filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Attachments: # <u>1</u> Proposed Order)(Huang, Audrey) (Entered: 04/16/2012) |
| 04/16/2012 | <u>38</u> | STATEMENT of Uncontroverted Facts MOTION for Summary Judgment as to Second and Third Claims <u>34</u> filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Huang, Audrey) (Entered: 04/16/2012) |
| 04/17/2012 | <u>39</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Exhibit (non-trial), Exhibit (non-trial) <u>36</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (rrp) (Entered: 04/17/2012) |
| 05/21/2012 | <u>40</u> | REPLY MOTION for Summary Judgment as to Second and Third Claims <u>34</u> (1. <i>Reply Memorandum In Further Support Of Defendants' Motion For Summary Judgment And Opposition To Plaintiffs' Motion For Summary Judgment</i> ; And 2. <i>Supplemental Declaration Of Jeffrey S. Dillen</i> filed by Defendants National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Defendants' Statement Of Genuine Issues In Response to Plaintiffs' Statement of Uncontroverted Facts)(Medrano, Alarice) (Entered: 05/21/2012) |
| 05/21/2012 | <u>41</u> | OPPOSITION OPPOSITION re: MOTION for Summary Judgment ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa MOTION for Summary Judgment</i> ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa MOTION for Summary Judgment</i> ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa <u>33</u> filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Horton, Robert) (Entered: 05/21/2012)</i> |
| 05/21/2012 | <u>42</u> | REQUEST FOR JUDICIAL NOTICE re MOTION for Summary Judgment ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa MOTION for Summary Judgment</i> ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa MOTION for Summary Judgment</i> ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa <u>33</u> filed by Plaintiff Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Attachments: # <u>1</u> Declaration of Robert C. Horton in Support of RJN)(Horton, Robert) (Entered: 05/21/2012)</i> |
| 05/21/2012 | <u>43</u> | STATEMENT of Genuine Disputes of Material Fact in Response to Defendants' Separate Statement of Undisputed Facts MOTION for Summary Judgment ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa MOTION for Summary Judgment</i> ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And Documents Released In Full Filed Separa MOTION for Summary Judgment</i> ; 2. <i>Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment</i> ; 3. <i>Declaration Of Jeffrey S. Dillen Filed Separately (Docket No. 24)</i> ; 4. <i>Redacted Documents And</i> |

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| | | <i>Documents Released In Full Filed Separately <u>33</u> filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Horton, Robert) (Entered: 05/21/2012)</i> |
| 06/01/2012 | | NOTICE by Judge Josephine Staton Tucker: EFFECTIVE JUNE 1, 2012, parties/counsel are informed that CIVIL law and motion matters will be heard on FRIDAYS at 2:30 p.m. All motions presently on calendar will remain as previously set, subject to further order. Counsel MUST continue to consult the Closed Motion Dates drop-down menu on the Courts web site under Judges' Requirements/Judges Procedures and Schedules, prior to filing their motion. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Guerrero, Terry) TEXT ONLY ENTRY (Entered: 06/01/2012) |
| 06/11/2012 | <u>44</u> | MINUTES OF Motion Hearing held before Judge Josephine Staton Tucker: (1) PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT; (2) DEFENDANTS' MOTION FOR SUMMARY JUDGMENT: Cause called. Hearing held. Counsel argue. Matters submitted to the Court. Court Reporter: Deborah Parker. (rla) (Entered: 06/12/2012) |
| 06/12/2012 | <u>45</u> | MINUTES (IN CHAMBERS): ORDER by Judge Josephine Staton Tucker: granting in part Plaintiffs' <u>34</u> Motion for Summary Judgment. denying DEFENDANTS <u>33</u> Motion for Summary Judgment; Accordingly, Defendants Motion for Summary Judgment is DENIED without prejudice, and Plaintiffs Motion for Summary Judgment is GRANTED with respect to the segregability analysis only. Defendants are hereby ordered to file a revised Vaughn index that takes into account the deficiencies identified by the Court by no later than July 12, 2012. The parties are directed to file a joint status report regarding further proceedings no later than July 27, 2012. (twdb) (Entered: 06/13/2012) |
| 07/13/2012 | <u>46</u> | NOTICE OF FILING AND FILING OF REVISED VAUGHN INDEX filed by DEFENDANT National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Vaughn Index)(Medrano, Alarice) (Entered: 07/13/2012) |
| 07/13/2012 | <u>47</u> | NOTICE OF FILING AND FILING OF REVISED DECLARATION filed by DEFENDANT National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Declaration)(Medrano, Alarice) (Entered: 07/13/2012) |
| 07/27/2012 | <u>48</u> | STATUS REPORT <i>JOINT STATUS REPORT RE FURTHER PROCEEDINGS</i> filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Attachments: # <u>1</u> Declaration of Alarice M. Medrano)(Horton, Robert) (Entered: 07/27/2012) |
| 08/14/2012 | <u>49</u> | MINUTE ORDER IN CHAMBERS by Judge Josephine Staton Tucker: REQUIRING PARTIES TO MEET AND CONFER RE: REVISED VAUGHN INDEX AND SETTING BRIEFING SCHEDULE FOR FURTHER PROCEEDINGS: Court ORDERS as follows: 1. The parties are to meet and confer no later than September 28, 2012, to identify the documents that Plaintiffs still believe contain factual information that may be segregated from the document based on the revised Vaughn Index (Doc. 46), and determine whether any further revision to the Vaughn Index would resolve the issues. 2. If the matter is not resolved following the conference of counsel, Defendants may renew their motion for summary judgment no later than 30 days after the conference of counsel. Defendants shall notice the hearing for an available date on the Courts calendar that accommodates the following briefing schedule: Plaintiffs may file an opposition within 14 days of the filing of the motion for summary judgment, and no later than 28 days before the hearing on the motion for summary judgment. Defendants may file a reply within 14 days of the filing of the opposition, and no later than 14 days before the hearing on the motion for summary judgment. (rla) (Entered: 08/14/2012) |
| 10/29/2012 | <u>50</u> | NOTICE OF MOTION AND Renewed MOTION for Summary Judgment as to RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE ; 2. <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT</i> ; 3. <i>DECLARATIONS OF JEFFREY S. DILLEN (DOCKET NO. 24, 40, AND 47-1)</i> ; 4. <i>REVISED VAUGHN INDEX (DOCKET</i> |

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| | | <i>NO. 46); 5. REDACTED DOCUMENTS (DOCKET NOS. 25–28) filed by DEFENDANTS National Oceanic Atmospheric Association, United States Department of Commerce. Motion set for hearing on 2/1/2013 at 02:30 PM before Judge Josephine Staton Tucker. (Attachments: # <u>1</u> [PROPOSED] JUDGMENT)(Medrano, Alarice) (Entered: 10/29/2012)</i> |
| 11/13/2012 | <u>51</u> | NOTICE OF MOTION AND Renewed MOTION for Summary Judgment as to On the Second and Third Claims in its action for declaratory judgment and injunctive relief filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. Motion set for hearing on 2/1/2012 at 02:30 PM before Judge Josephine Staton Tucker. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Plaintiffs' Combined and Renewed Cross–Motion for Summary Judgment, # <u>2</u> Exhibit A to Memorandum of Points and Authorities, # <u>3</u> Proposed Order Granting Plaintiffs' Renewed Motion for Summary Judgment)(Thornton, Robert) (Entered: 11/13/2012) |
| 11/28/2012 | <u>52</u> | Joint STIPULATION to Continue THE BRIEFING SCHEDULE ON THE RENEWED CROSS–MOTIONS FOR SUMMARY JUDGMENT (DOCKET #50 AND DOCKET #51) from 11/27/2012 – 01/18/2013 to 01/04/2013 filed by DEFENDANTS National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 11/28/2012) |
| 11/29/2012 | <u>53</u> | ORDER by Judge Josephine Staton Tucker, granting Stipulation to Continue <u>52</u> . IT IS SO ORDERED that the briefing schedule on the parties Cross–Motions for Summary Judgment is amended as follows: Defendants may file an Opposition/Reply no later than January 4, 2013 (28 days before the hearing on the parties Cross–Motions for Summary Judgment); and Plaintiffs may file a Reply no later than January 18, 2013 (14 days before the hearing on the parties Cross–Motions for Summary Judgment). The hearing on the Cross–Motions for Summary Judgment remains set for February 1, 2013, at 2:30 p.m. (twdb) (Entered: 11/30/2012) |
| 12/20/2012 | <u>54</u> | NOTICE of Change of Attorney Information for attorney Robert C Horton counsel for Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. Robert C. Horton is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G–06 Notice. Filed by Plaintiff Foothill/Eastern Transportation Corridor Agency and Board of Directors of the Foothill/Eastern Transportation Corridor Agency (Horton, Robert) (Entered: 12/20/2012) |
| 01/03/2013 | <u>55</u> | Joint STIPULATION to Continue 21 DAY CONTINUANCE OF THE HEARING AND THE BRIEFING SCHEDULE ON THE PARTIES' RENEWED CROSS–MOTIONS FOR SUMMARY JUDGMENT (DOCKET #50 AND 51); AND DECLARATION OF ALARICE M. MEDRANO from 01/04/2013 AND 01/18/2013 to 01/25/2013 AND 02/01/2013 filed by DEFENDANTS National Oceanic Atmospheric Association, United States Department of Commerce. (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 01/03/2013) |
| 01/07/2013 | <u>56</u> | ORDER by Judge Josephine Staton Tucker, GRANTING 21–DAY CONTINUANCE OF THE HEARING AND THE BRIEFING SCHEDULE ON THE PARTIES' CROSS–MOTIONS FOR SUMMARY JUDGMENT UNITED STATES DEPARTMENT (Docket #50 and Docket #51): [NOTE: CHANGES MADE BY THE COURT]: re Stipulation to Continue, <u>55</u> : The deadline for Defendants to file an Opposition/Reply is continued to 1/25/13; and the deadline for Plaintiffs to file a Reply is 2/08/13. The hearing on the Cross–Motions for Summary Judgment is 2/22/13 at 2:30. (See document for further details.) (rla) (Entered: 01/08/2013) |
| 01/22/2013 | <u>57</u> | NOTICE of Change of Attorney Information for attorney David Joseph Miller counsel for Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. Adding David J. Miller as attorney as counsel of record for Foothill/Eastern Transportation Corridor Agency and Board of Directors of the Foothill/Eastern Transportation Corridor Agency for the reason indicated in the G–06 Notice. Filed by Plaintiffs |

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| | | Foothill/Eastern Transportation Corridor Agency and Board of Directors of the Foothill/Eastern Transportation Corridor Agency (Miller, David) (Entered: 01/22/2013) |
| 01/25/2013 | <u>58</u> | REPLY IN SUPPORT OF Renewed MOTION for Summary Judgment as to RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE ; 2. <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT</i> ; 3. <i>DECLARATIONS OF JEFFREY S. DILLEN (DOCKET NO. 24, 40, AND 47-1)</i> ; 4. <i>REVI</i> Renewed MOTION for Summary Judgment as to RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE ; 2. <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT</i> ; 3. <i>DECLARATIONS OF JEFFREY S. DILLEN (DOCKET NO. 24, 40, AND 47-1)</i> ; 4. <i>REVI</i> Renewed MOTION for Summary Judgment as to RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE ; 2. <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT</i> ; 3. <i>DECLARATIONS OF JEFFREY S. DILLEN (DOCKET NO. 24, 40, AND 47-1)</i> ; 4. <i>REVI</i> <u>50</u> filed by Defendants National Oceanic Atmospheric Association, United States Department of Commerce. (Medrano, Alarice) (Entered: 01/25/2013) |
| 02/08/2013 | <u>59</u> | REPLY in support of Renewed MOTION for Summary Judgment as to On the Second and Third Claims in its action for declaratory judgment and injunctive relief <u>51</u> filed by Plaintiffs Board of Directors of the Foothill Eastern Transportation Corridor Agency, Foothill Eastern Transportation Corridor Agency. (Thornton, Robert) (Entered: 02/08/2013) |
| 02/20/2013 | <u>60</u> | MINUTE ORDER IN CHAMBERS by Judge Josephine Staton Tucker: CONTINUING HEARING ON RENEWED CROSS-MOTIONS FOR SUMMARY JUDGMENT: Before the Court are the parties' renewed cross-motions for summary judgment (Motions). (Doc. 50, 51.) Court continues the hearing on the Motions, currently scheduled for February 22, 2013, to March 15, 2013, 2:30 p.m. (rla) (Entered: 02/20/2013) |
| 03/13/2013 | <u>61</u> | MINUTES (IN CHAMBERS): ORDER by Judge Josephine Staton Tucker: (1) DENYING PLAINTIFFS' RENEWED MOTION FOR SUMMARY JUDGMENT AND (2) GRANTING DEFENDANTS' RENEWED MOTION FOR SUMMARY JUDGMENT (Docs. 50, 51): Accordingly, the hearing on the parties' motions, set for March 15, 2013, at 2:30 p.m., is VACATED. For the reasons stated below, the Court DENIES Plaintiffs motion GRANTS Defendants' motion. (See document for details.) For the foregoing reasons, Plaintiffs' motion is DENIED and Defendants' motion is GRANTED. Defendants are ordered to prepare and submit a proposed judgment consistent with this Order forthwith. (rla) (Entered: 03/13/2013) |
| 04/02/2013 | <u>62</u> | NOTICE OF LODGING filed [<i>PROPOSED</i>] <i>JUDGMENT FOR DEFENDANTS</i> re Order on Motion for Summary Judgment,,,,, <u>61</u> (Attachments: # <u>1</u> [<i>PROPOSED</i>] JUDGMENT)(Medrano, Alarice) (Entered: 04/02/2013) |
| 04/09/2013 | <u>63</u> | JUDGMENT by Judge Josephine Staton Tucker. HEREBY ORDERS, ADJUDGES AND DECREES that judgment is entered in favor of Defendants on all causes of action. <u>62</u> . (MD JS-6, Case Terminated). (twdb) (Entered: 04/10/2013) |
| 04/09/2013 | 64 | Notice of Electronic Filing re Judgment <u>63</u> e-mailed to lvalk@nossaman.com bounced due to Delivery to the following recipients failed. lvalk@nossaman.com. Primary e-mail address corrected. Notice of Electronic Filing resent addressed to lvalk@abc-law.com. Pursuant to the General Order and Local Rules it is the attorneys obligation to maintain all personal contact information including e-mail address in the CM/ECF system. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(tyw) TEXT ONLY ENTRY (Entered: 04/10/2013) |